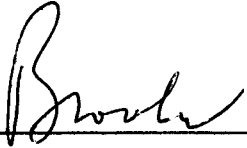


By



S B. No. 1050

A BILL TO BE ENTITLED

AN ACT

relating to the regulation and inspection of boilers, the re-
vocation of Certificates of Operation issued for boilers and
exemptions; amending Chapter 436, Acts of the 45th Legislature,
Regular Session, 1937, as amended (Article 5221c, Vernon's
Texas Civil Statutes);
and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2, Chapter 236, Acts of the 45th
Legislature, Regular Session, 1937, as amended (Article 5221c,
Vernon's Texas Civil Statutes), is amended to read as follows:

REGISTRATION OF BOILERS; CERTIFICATE OF OPERATION;

INJUNCTION AGAINST OPERATION OF UNSAFE BOILER

Sec. 2. Unless otherwise specifically exempted in this
Act, all boilers operated within the State shall be registered
with the Department of Labor and Standards. In addition, such
boilers shall not be operated unless they have satisfactorily
passed a Certificate Inspection and have qualified for a Cer-
tificate of Operation. The Certificate of Operation shall
remain in full force and effect until expiration unless can-
celled for cause by the Commissioner and shall be placed under
glass in a conspicuous place on or near the boiler for which
it is issued. No prosecution shall be maintained where the
issuance of or the renewal of such Certificate of Operation

1 shall have been requested and shall remain unacted upon. How-
2 ever, if the operation of such boiler without a Certificate of
3 Operation shall constitute a serious menace to the life and
4 safety of any person or persons in or about the premises, the
5 Commissioner, as hereinafter provided for, shall apply to the
6 District Court in a suit brought by either the Attorney Gen-
7 eral of the State, or any District or County Attorney, in the
8 county in which such boiler is located, for an injunction re-
9 straining the operation of said boiler until the unsafe con-
10 dition restraining its use shall be corrected and a Certificate
11 of Operation issued. In all such cases it shall not be neces-
12 sary for the attorney bringing the suit to verify the pleadings
13 or for the State to execute a bond as a condition precedent to
14 the issuing of any injunction or restraining order hereunder.
15 The affidavit of the Commissioner that no application for or no
16 Certificate of Operation exists for such boiler, and the af-
17 fidavit of the Chief Inspector or any Deputy Inspector that
18 its operation constitutes a menace to the life and safety of
19 any person or persons in or about the premises, shall be suf-
20 ficient proof to warrant the immediate granting of a temporary
21 restraining order. The Commissioner may revoke any Certificate
22 of Operation issued for any boiler within this State upon good
23 cause being shown therefor and after notice and opportunity
24 for hearing thereon.

25 SECTION 2. Section 3, Chapter 436, Acts of the 45th Leg-
26 islature, Regular Session 1937, as amended (Article 5221c,
27 Vernon's Texas Civil Statutes), is amended to read as follows:

1 EXEMPTIONS [FROM-ACT]

2 Sec. 3. The following are exempt from the provisions of
3 the Act:

4 (1) Boilers owned or operated by the Federal Government;

5 (2) Pressure Vessels and unfired steam boilers, except:

6 a. Steam drums of unfired steam boilers.

7 b. Waste heat boilers.

8 SECTION 3. Section 4a, Chapter 436, Acts of the 45th Leg-
9 islature, Regular Session 1937, as amended (Article 5221c,
10 Vernon's Texas Civil Statutes) is amended to read as follows:

11 INTERVAL BETWEEN INTERNAL INSPECTIONS

12 Sec. 4a. Upon the approval of the Commissioner and the
13 inspection agency having jurisdiction, the interval between
14 internal inspections may be extended to a period not to exceed
15 twenty-four (24) months for power boilers and forty-eight (48)
16 months for waste heat boilers and for other unfired steam
17 boilers using heat resulting from the operation of a process
18 system, the interval may be extended to the next scheduled
19 down time, but not to exceed 60 months provided: (1) con-
20 tinuous water treatment under competent and experienced super-
21 vision has been in effect since the last internal inspection
22 for the purpose of controlling and limiting corrosion and de-
23 posits; (2) accurate and complete records are available showing
24 that since the last internal inspection samples of boiler wa-
25 ter have been taken or monitored at regular intervals not
26 greater than twenty-four (24) hours of operation and that the
27 water condition in the boiler is satisfactorily controlled;

1 (3) accurate and complete records are available showing the
2 dates such boiler has been out of service and the reasons there-
3 for since the last internal inspection, and such records shall
4 include the nature of all repairs to the boiler, the reasons
5 why such repairs were made; and (4) the last internal and cur-
6 rent external inspection of the boiler indicates the inspection
7 period may be safely extended. The Commissioner and inspection
8 agency having jurisdiction may grant an additional extension for
9 up to 120 days to the inspection interval covered by the Certif-
10 icate of Operation upon request that an emergency exists. How-
11 ever, before an extension is allowed, an external inspection shall
12 be made by the Authorized Inspector and items 1-4 of this section
13 complied with. When such an extended period between internal
14 inspections has been approved by the Commissioner and the inspec-
15 tion agency having jurisdiction, as outlined in this Section, a
16 new Certificate of Operation shall be issued for that extended
17 period of operation.

18 SECTION 4. Section 10, Chapter 436, Acts of the 45th Leg-
19 islature, Regular Session, 1937, as amended (Article 5221c,
20 Vernon's Texas Civil Statutes) is amended to read as follows:

21 PERSONS AUTHORIZED TO INSPECT;

22 AND COMMISSION OF AUTHORIZED INSPECTORS

23 [REVOCATION-OF-CERTIFICATE-OF-OPERATION]

24 Sec. 10. The Commissioner may cause the inspection pro-
25 vided for in the Act to be made either by the Chief Inspector,
26 a Deputy Inspector, or an Authorized Inspector. However,
27 Authorized Inspectors shall be continuously employed by an

1 insurance company as an inspector of boilers. The Commissioner
2 is vested with full power and authority to determine the qual-
3 ifications (by written examination) of any applicant seeking a
4 commission as inspector. The Commissioner may accept, after
5 proper investigation, the commission issued to an inspector by
6 any other jurisdictional authority having a written examination
7 equal to that of the State of Texas. The Commissioner may re-
8 scind for good cause, any Texas commission issued to any person.

9 ~~[The-Commissioner-may-revoke-any-Certificate-of-Operation-is-~~
10 ~~sued-for-any-boiler-within-this-State-upon-good-cause-being~~
11 ~~shown-therefor-and-after-notice-and-opportunity-for-hearing~~
12 ~~thereon.]~~

13 SECTION 5. This Act takes effect September 1, 1981.

14 SECTION 6. The importance of this legislation and the
15 crowded condition of the calendars in both houses create an
16 emergency and an imperative public necessity that the consti-
17 tutional rule requiring bills to be read on three separate
18 days in each house be suspended, and this rule is hereby sus-
19 pended.

relating to the regulation and inspection of boilers, the revocation of Certificates of Operation issued for boilers.

MAR 13 1981

Filed with the Secretary of the Senate

MAR 16 1981

Read, referred to Committee on ECONOMIC DEVELOPMENT

Reported favorably. _____

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed. _____

Senate and Constitutional Rules to permit consideration suspended by

{ unanimous consent.
{ _____ yeas, _____ nays.

To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____yeas, _____nays.

Read second time and { ordered engrossed.
passed to third reading.

Caption ordered amended to conform to body of bill.

Senate and Constitutional 3-Day Rules suspended by vote of _____ yeas, _____ nays to place bill on third reading and final passage.

Read third time and passed by { a viva-voce vote.
_____ yeas, _____ nays.

OTHER ACTION:

Engrossed

Sent to House

ENGROSSING CLERK

Received from the Senate

— Read first time and referred to Committee on _____

— Reported favorably amended, sent to Printer at _____

Printed and Distributed _____

Sent to Committee on Calendars_____

~~Read Second time (amended): passed to third reading (failed)~~

by (Non-Record Vote) Record Vote of _____ yeas, _____ nays

_____ Present, not voting.

Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of _____ yeas _____ nays _____ present not voting.

**Read third time (amended); finally passed (failed) by a
(Non-Record Vote) Record Vote of _____ yeas _____ nays
_____ present not voting.**

- Caption ordered amended to conform to body of bill.

Returned to Senate.

Chief Clerk of the House